FEDERAL REGISTER

VOLUME 18 NUMBER 168

Washington, Thursday, August 27, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, § 6.110 (k) (1) is revoked, and paragraph (l) is added to § 6.310 as follows:

§ 6.310 *Department of the Interior.*

* * *

(l) *Office of Territories.* (1) One Director.

(2) One Private Secretary to the Director.

(3) Two Assistant Directors.

(4) One Chief Counsel.

(5) One Governor, American Samoa.

(6) One Secretary of American Samoa.

(7) One Chief Justice of American Samoa.

(8) One Deputy High Commissioner, Trust Territories of the Pacific Islands.

(9) One Executive Assistant to the Governor of Virgin Islands.

(10) One Private Secretary to the Governor of Virgin Islands.

(11) One Administrative Assistant to the Governor of Virgin Islands.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-7517; Filed, Aug. 26, 1953; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule C.

§ 6.311 *Department of Agriculture.*

* * *

(l) *Production and Marketing Administration.* * * *

(7) Director, Dairy Branch.

(8) Director, Fruit and Vegetable Branch.

(9) Director, Grain Branch.

(10) Director, Livestock Branch.

(11) Director, Food Distribution Branch.

(12) Director, Transportation and Warehousing Branch.

(13) Director, Cotton Branch.

(14) Director, Fats and Oils Branch.

(15) Director, Poultry Branch.

(16) Director, Sugar Branch.

(17) Director, Tobacco Branch.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-7518; Filed, Aug. 26, 1953; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 579]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASE IN INTEREST RATE; BERKELEY BANK FOR COOPERATIVES

Effective September 1, 1953, the rates of interest which shall be charged by the Berkeley Bank for Cooperatives on loans, as specified in Part 70, Chapter I, Title 6, Code of Federal Regulations, are hereby changed as follows:

1. In § 70.4, change to 3½ per centum per annum.

2. In § 70.5, change to 3¼ per centum per annum.

3. In § 70.7, change to 4½ per centum per annum.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] C. R. ARNOLD,
Governor.

[F. R. Doc. 53-7523; Filed, Aug. 26, 1953; 8:52 a. m.]

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FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART B—RAISIN EXPORT PAYMENT PROGRAM UMX 95A

AUTHORITY: §§ 518.421 to 518.432 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 518.421 *General statement.* (a) In order to encourage the exportation of raisins produced in the continental United States to eligible countries, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to United States exporters of such raisins subject to the terms and conditions set forth in this subpart.

(b) Information pertaining to this subpart and forms prescribed for use under this subpart may be obtained from either one of the following:

Werner Allmendinger, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 1000 Geary Street, San Francisco 9, California.

E. M. Graham, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Fourteenth Street and Independence Avenue SW., Washington 25, D. C.

§ 518.422 *Eligible countries.* Eligible countries include all foreign countries and their territories or dependent areas except: (a) Australia, New Zealand, Cyprus, Greece (including Crete) Iran, Turkey, Spain, and the Union of South Africa; (b) those countries and areas listed in Subgroup A of Group R of the Comprehensive Export Schedule issued by the Office of International Trade, United States Department of Commerce; and (c) those countries, including dependencies of foreign countries, located in North, South and Central America or on the islands adjacent thereto. The islands on which such ineligible countries or dependencies are located include but are not necessarily limited to Greenland, the Bahamas, and the islands of the Caribbean Sea.

§ 518.423 *Rate of payment and determination of net weight.* The rate of payment applicable to raisins exported under this subpart shall be 2.0 cents per pound, net processed packed weight. The net weight of any lot exported shall be: (a) The net weight invoiced or billed to the buyer; or (b) the net weight shown in the body of the inspection certificate issued by the U. S. D. A. covering such lot, whichever is less.

§ 518.424 *Eligibility for payment*—(a) *Sales contract and application for program participation.* (1) No payment will be made under this subpart on any raisins unless they are exported to an eligible country pursuant to a sales contract (as defined in § 518.432 (h)) which the exporter has entered into on or after, but not prior to, the effective date of this subpart. To be eligible for payment, the exporter shall file, on prescribed form, an application to participate in this program and shall obtain approval thereof by the Administrator.

(2) Exporters whose billing offices are located in California, Nevada, Utah, Arizona, Idaho, Oregon, or Washington shall file their applications with Werner Allmendinger, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 1000 Geary Street, San Francisco 9, California. Exporters whose billing offices are located in any other state shall file their applications with E. M. Graham, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The filing of applications should not be confused with the filing of claims (§ 518.425)

(3) Applications must be filed in triplicate with respect to each sales contract, as promptly as possible after, but not prior to, the date of sale but in no event later than the second day (exclusive of Saturdays, Sundays and holidays) prior to the date of export (see § 518.432 (f)) unless the Administrator, upon a written request by the exporter stating substantial reasons therefor, grants an extension of time for such filing.

(4) The Administrator will, in the order in which they are received or on such other basis as he may determine to be equitable, approve applications covering sales for export which meet the requirements of this subpart so long as funds which have been allocated to this subpart are available. The Administrator will furnish to the exporter prompt written approval or disapproval, or, in the event the application fails to conform with the applicable terms and conditions of this subpart, will so notify the exporter.

(5) If the exporter finds that an application previously approved by the Administrator should be revised because of modification in the applicable sales contract or for any other reason, he shall notify promptly the person with whom he filed the application of any such requested revision of the application. The Administrator will approve or disapprove the revision of the application, and notify the exporter promptly of his approval or disapproval.

(b) *Restriction and use of Mutual Security funds.* Under Chapter XI, entitled "Mutual Security" of the Supplemental Appropriation Act, 1953, Public Law 547, 82nd Congress, funds appropriated under that chapter may not be used to finance foreign purchases on which export payments are made pursuant to section 32 of the act of August 24, 1935 (Public Law 320, 74th Congress) as amended. Exporters are cautioned to advise their foreign buyers that such funds may not be used to pay any part of the purchase price of raisins exported under this subpart. (The exporter and the foreign buyer may, of course, outside of this program and without benefit of payments under this subpart agree upon the sale of raisins at the prevailing market price with the total amount of such sale price to be paid by the foreign buyer in whole or in part out of such funds.)

(c) *Minimum grade.* Raisins exported under this subpart, except Zante Currant raisins and Cluster (nonlayer pack) and Cluster (layer pack) Muscat raisins, shall meet or exceed the requirements of "U. S. Grade C" or "U. S. Standard," as defined in "United States Standards for Grades of Processed Raisins," effective May 26, 1952. Golden Bleached and Sulfur Bleached Thompson Seedless raisins shall meet or exceed the requirements for "fairly well-bleached color (or Extra Choice color)" as described in said United States Standards for Processed Raisins. Zante Currants shall meet or exceed the requirements of "U. S. Grade B" or "U. S. Choice," as defined in "United States Standards for Grades of Dried Currants," effective October 20, 1952. Cluster (non-layer pack) Muscat raisins and Cluster (layer pack) Muscat raisins shall meet or exceed the requirements for Type II, Muscat Raisins, "U. S. Grade C" or "U. S. Standard," as defined in said United States Standards for Processed Raisins, except for moisture content and pieces of stems, capstems, and seeds; shall be fairly free from shattered (or loose) berries; shall be uniformly cured; shall contain not more than 19 percent of moisture, by weight of the raisins exclusive of stems and branches; and 30 percent or more, by weight, of the raisins shall be 3 Crown size or larger. Cluster (non-layer pack) applies to Muscat raisins packed in containers having a net weight of less than five pounds, and Cluster (layer pack) applies to Muscat raisins packed in containers having a net weight of five pounds or more.

(d) *Inspection.* Exporter shall furnish certificate of inspection for each lot of raisins exported pursuant to this subpart. Such certificate shall be issued by the Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, United States Department of Agriculture. The period from date of inspection to date of exportation, both dates inclusive, shall not exceed 21 calendar days: *Provided*, That, upon written request of the exporter stating

substantial reasons therefor, the Administrator may, if he deems it desirable, grant an extension of time of such period. The cost of inspection and issuance of the certificates shall be borne by the exporter.

(e) *Packaging.* Raisins exported under this subpart shall be suitably packed for export in a manner which shall reasonably assure arrival in good condition in the country of destination. Export containers shall bear a lot number, code or other markings by which the applicable requirements of § 518.425 (b) may be fulfilled.

(f) *Minimum quantity.* An application will not be approved nor will payment under this subpart be made if the total quantity covered by such application is less than two thousand (2,000) pounds net weight of raisins.

(g) *Re-entry, diversion, re-exportation, or loss.* If any quantity of raisins exported under this subpart re-enters the continental United States, or is diverted or re-exported to U. S. territories or possessions or is diverted or re-exported to other than eligible countries, as described in § 518.422, payment will be withheld or, if payment has already been made by the United States Government, the exporter shall refund the amount received on such quantity: *Provided,* That if the raisins with respect to which payment may be withheld or refund required under this section are damaged after exportation, the payment withheld or refund required shall be an amount determined by the Secretary, which, however, shall not exceed the amount realized or which might reasonably be realized by the exporter for the damaged raisins over the price at which he sold to the foreign buyer in the sales contract covered by the approved application. In case of complete loss or destruction of the raisins or any part thereof after exportation, without fault or negligence of the exporter, no refund of the payment shall be required for the quantity so lost or destroyed. The exporter shall notify the Administrator immediately upon becoming cognizant of any such re-entry, diversion or re-exportation of, or damage to, the raisins which have been exported under this subpart and shall furnish information as to any claim he may have in connection with such event.

(h) *Final dates.* (1) The final date for entering into a sales contract shall be 12 o'clock midnight, August 25, 1954;

(2) The final date and time for filing an application shall be 12 o'clock midnight, August 27, 1954;

(3) The final date and time of export shall be 12 o'clock midnight, August 31, 1954,

(4) The final date and time for filing claims under this subpart shall be 12 o'clock midnight, September 30, 1954;

Provided, That, upon written request of the exporter stating substantial reasons therefor, the Administrator may, if he deems it desirable, grant an extension of time for the accomplishment of exportation or the filing of claims.

§ 518.425 *Claims for payment supported by evidence of compliance.* (a) If the exporter's billing office is located in California, Nevada, Utah, Arizona, Idaho, Oregon, or Washington, he shall file claim for payment under this subpart with the Director, Portland PMA Commodity Office, Production and Marketing Administration, United States Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oregon. If the exporter's billing office is located in any other state, he shall file claim for payment under this subpart with the Director, Chicago PMA Commodity Office, Production and Marketing Administration, United States Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Illinois. Such claim shall be filed so that it will be received by the Director of the PMA Commodity Office concerned not later than the final date specified in § 518.424 (h) (4) Each claim for payment shall be filed in an original and two copies on voucher form FDA–564, "Public Voucher-Diversion Programs," shall show the number assigned by the United States Department of Agriculture to the related approved application, and shall be supported by:

(1) One signed or certified copy of the sales contract;

(2) One certified copy of the sales invoice to the buyer showing the price, f. a. s. U. S. port, to be paid by the buyer. If the price basis of the sale is other than f. a. s. U. S. port, the equivalent f. a. s. U. S. port price shall be computed by the exporter on the invoice, showing each cost item (such as ocean freight and marine insurance)

(3) One copy of the on-board export bill of lading signed by an agent of the exporting carrier, except that, where loss, destruction or damage occurs subsequent to loading on board exporting carrier but prior to issuance of on-board bill of lading, one copy of a loading tally sheet or similar document may be submitted in lieu of such bill of lading;

(4) The original or a signed copy of the inspection certificate required in § 518.424 (d)

(5) Such other documents as may be required by the Administrator, evidencing purchase, sale or exportation of the commodity on which payment is claimed under this subpart.

(b) The export bill of lading must show the quantity and description of the commodity, including the lot, code or brand markings appearing on containers, or other reference sufficient to identify the commodity loaded on board the export carrier as that commodity covered by the inspection certificate, the date and place of loading, the destination of the commodity, and the name and address of both the exporter and the consignee. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with the copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this subpart for the commodity covered by such bill of lading. If the bill of lading shows the name of a consignee different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

(c) The foregoing required evidence will not be accepted as conclusive if the Administrator has a reason to believe that exportation of all or any quantity of the commodity was not actually accomplished or that there has not been compliance with other requirements of this subpart, and in any such instance the Administrator may require such additional evidence as he deems reasonable.

§ 518.426 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales and deliveries of raisins exported or to be exported in connection with this subpart. Such records, accounts, and other documents relating to any transaction in connection with this subpart shall be preserved until at least September 30, 1956, and shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture.

§ 518.427 *Amendment and termination.* The Administrator may amend or terminate this subpart at any time, but such amendment or termination shall not apply to any sales contract for which an application has been approved under the subpart prior to the effective time of the amendment or termination. Such amendment or termination shall become effective on such date as the Administrator may specify in the amendment or termination, but shall not be earlier than the time of filing of the termination or amendment with the Federal Register Division. A press release will be issued with respect to any amendment or termination.

§ 518.428 *Persons not eligible for payments.* (a) Payments under this subpart will not be made to any Department, agency or establishment of the United States Government unless expressly named as an exporter in § 518.432 (d)

(b) No member of, or delegate to, Congress or resident commissioner shall be admitted to any share or part of any payment made under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit or to any such person in his capacity as a producer of the raisins exported.

§ 518.429 *Set-off.* The Secretary may set off, against any amount owed to any exporter under this subpart any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Set-off as provided herein shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 518.430 *Joint payment or assignment.* An exporter may name a joint payee on claim for payment or may assign the proceeds of any claim for payment as provided in this subpart. The exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended by Public Law 30, 82nd Congress, the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided,* That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the appropriate person specified in § 518.424 (a) (2) together with a signed copy of the instrument of assignment, in accordance with the instructions on Form PMA–66, "Notice of Assignment," which form must be used in giving notice of assignment. The "Instrument of Assignment" may be executed on Form PMA–347 or the assignee may use his own form of assignment.

§ 518.431 *Good faith.* Whereas it is the intent of this subpart to encourage the exportation of raisins produced in the United States by making such raisins available to foreign buyers at prices below domestic market prices in the amount of the payment specified in § 518.423; now, therefore, if the Secretary determines that any exporter has not acted in good faith in carrying out the purpose of this subpart, has not passed on to foreign buyers the incentive payment offered in this subpart, or otherwise fails to discharge fully any obligation assumed by him under this program, such exporter may be denied the right to continue participating in this program, or the right to receive payment under this subpart in connection with any exportations previously made under this subpart, or both.

§ 518.432 *Definitions.* As used in § 518.421 through § 518.431, the following terms have the following meanings:

(a) "Raisins" means raisins: (1) Produced from raisin variety grapes grown in the Continental United States; (2) processed and packed and the processing and packing performed in the Continental United States; and (3) which meet the requirements of § 518.424 (c) "Raisin variety grapes" means grapes of the Thompson Seedless (or Sultanina), Muscat of Alexandria (or Muscat) Muscatel Gordo Blanco (or Muscat) Black Corinth (or Zante Currant) White Corinth (or Zante Currant) and Seedless Sultana (or Sultana) varieties.

(b) "Secretary" means the Secretary of the United States Department of Agriculture or any person authorized to perform any act for the Secretary.

(c) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, or any person to whom the Administrator has delegated authority to perform as Representative of the Secretary of Agriculture functions vested in the Administrator in this subpart.

(d) "Exporter" means any individual, corporation, partnership, association, the Raisin Administrative Committee which administers Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1952 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, or other business entity, located in the Continental United States and engaged in the business of selling and exporting raisins produced, processed and packed in the Continental United States.

(e) "Exported" means that raisins, pursuant to a sale made under this subpart, were loaded on board an ocean carrier for shipment from the Continental United States.

(f) "Date of export" means the date of loading on board the ocean carrier for exportation from the Continental United States as shown on the on-board bill of lading.

(g) "Application" means Form FV–361, "Application for Program Participation."

(h) "Sales contract" means a contract under which the seller is clearly obligated to sell and the buyer is clearly obligated to buy a definite quantity of raisins at a definite price, and shall consist of a written instrument signed by the buyer and the seller or shall consist of a written offer and acceptance evidenced by an exchange of telegrams, cablegrams, or letters, but may, however, be subject to the necessary dollars being allocated by the eligible foreign country or to the Administrator making an export payment in connection therewith pursuant to this subpart. The term includes a contract between an exporter and his foreign branch or any affiliate or associate located in an eligible country.

(i) "Date of sale" means the date on which both buyer and seller signed a firm sales contract, or the date of written acceptance of either a written offer or counteroffer to buy or sell by which a firm sales contract is effected.

(j) "Price f. a. s." means the price to the buyer free-alongside-ship United States port and does not include the payment to be made by the Secretary.

(k) "Filed." Applications, claims and related documents are deemed to be filed when received by the appropriate office of the United States Government.

(l) "Certified" means a written, signed declaration, contained in or attached to any document, stating that the document is a true and correct copy of the original of such document.

(m) "12 o'clock midnight," as used in § 518.424 (h), means 12 o'clock midnight, standard time, at the applicable place at which the applicable action is taken.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective on September 1, 1953.

Dated this 21st day of August 1953.

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture.

[F. R. Doc. 53–7525; Filed, Aug. 26, 1953; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 951.315 *Tokay Grape Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951, 18 F. R. 4902) regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 27, 1953. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until August 21, 1953; recommendation as to the need for, and the extent of, grade and size regulation was made at the meeting of said committee on August 21, 1953, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and information were transmitted to the Department; shipments of the current crop of such grapes are expected to begin on or about August 27, 1953, and this section should be applicable to all shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August

27, 1953, and ending at 12:01 a. m., P. s. t., January 1, 1954, no shipper shall ship any Tokay grapes which do not meet the grade and size specifications of U. S. No. 1 Table Grapes and the following additional requirements:

(i) Each bunch of such grapes shall have at least 65 percent, by count, of fairly well colored berries; and

(ii) In lieu of the tolerance of ten (10) percent for variations incident to proper grading and handling provided for U. S. No. 1 Table Grapes, not more than a total of eight (8) percent, by weight, of the Tokay grapes contained in any container may fail to meet the requirements of U. S. No. 1 Table Grapes: *Provided,* That with respect to Tokay grapes produced in the Florin District, there shall be allowed, in addition to the tolerances provided for U. S. No. 1 Table Grapes, for each container of such grapes an aggregate tolerance of six (6) percent, by weight, for defects not considered serious damage, for bunches smaller than the minimum size specified for U. S. No. 1 Table Grapes, and for bunches which are not fairly well colored.

(2) *Definitions.* As used in this section, "handler," "shipper," "ship," "Florin District," "bunches," and "size" shall have the same meaning as when used in the amended marketing agreement and order and "U. S. No. 1 Table Grapes," "fairly well colored berries," "defects," and "serious damage" shall have the same meaning as when used in the United States Standards for Table Grapes (§ 51.232 of this title)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of August 1953.

[SEAL] FLOYD F HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-7561; Filed, Aug. 26, 1953; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter E—Air Navigation Regulations

[Amdt. 3]

PART 612—AERONAUTICAL FIXED COMMUNICATIONS

RELAY OF MESSAGES

The growth of air carrier transportation throughout the world has created the need for international aeronautical message traffic to be transmitted across the United States without interruption or delay. The purpose of this amendment is to authorize Interstate Airway Communications Stations located within the continental United States to relay certain international messages originated at, and addressed to, points outside the continental United States. A proprietary function of the Government is involved. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

1. Section 612.2 (b) published on June 19, 1951, in 16 F. R. 5835, is revised to read:

§ 612.2 *Acceptability of messages.*

* * *

(b) CAA Interstate Airway Communications Stations located within the continental United States (excluding Alaska) will accept for transmission messages described in paragraph (a) (1) through (6) of this section. In addition, such stations will relay messages described in paragraph (a) or paragraph (c) of this section, which are originally accepted for transmission at CAA stations located outside the continental United States or are received from foreign stations of the integrated international aeronautical network, and which in normal routing require transit of the continental United States to reach overseas addresses.

2. Section 612.3, published on August 14, 1952, in 17 F R. 7385, is amended by deleting "or (b)" from the first sentence.

(Sec. 205, 52 Stat. 984, as amended, sec. 10, 62 Stat. 453; 49 U. S. C. and Sup., 425, 1159. Interprets or applies secs. 301, 302, 52 Stat. 985, sec. 606, 56 Stat. 1067; 49 U. S. C. 451, 452, 5 U. S. C. 606)

This amendment shall become effective September 1, 1953.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-7489; Filed, Aug. 26, 1953; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

[Procedural Order No. 1]

ADOPTION OF EXISTING RULES OF PROCEDURE BY APPEALS BOARD

Pursuant to Department Order No. 106 (Amended) of August 18, 1953, the following Procedural Order is issued by the Appeals Board.

1. *Adoption of existing rules of procedure.* All rules, regulations, orders and directives in effect immediately prior to the effective date of this order, and issued by

(a) The Appeals Board of the National Production Authority with reference to appeals formerly required to be taken to the said Board, to the extent that they concern appeals from any order, regulation or administrative action pursuant to the authority delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended, in cases other than those of non-compliance;

(b) The Chief Hearing Commissioner of the National Production Authority with reference to appeals formerly required to be taken to him, to the extent that they concern appeals from any order, regulation or administrative action pursuant to authority delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended, in cases involving non-compliance;

(c) The Office of International Trade with reference to appeals formerly required to be taken to the Appeals Board of the Bureau of Foreign and Domestic Commerce established under Department Order No. 106 of January 28, 1949, to the extent that they concern appeals from any order, regulation or administrative action pursuant to any legislative or delegated authority of the Office of International Trade for the administration of export controls;

(d) The Department of Commerce as Foreign Excess Property Order No. 1 as amended August 23, 1950, particularly § 401.9 thereof (44 CFR 401.9) with reference to appeals formerly required to be taken to the Appeals Board of the Bureau of Foreign and Domestic Commerce established under Department Order No. 106 of January 28, 1949, to the extent that they concern appeals from any determination or other administrative action of the Foreign Excess Property Officer under Foreign Excess Property Order No. 1 as amended August 23, 1950;

are hereby adopted and ratified by the Appeals Board for the Department of Commerce until further notice, or until revoked or amended. All appeals to the Board shall be filed, presented, heard and decided under the respective procedures and rules mentioned above, applicable to the type of appeal.

2. *A quorum of the Appeals Board.* Any two members of the Appeals Board may conduct a hearing, and for that purpose shall constitute a quorum.

3. *Effective date.* The effective date of this order is August 18, 1953.

[SEAL] FREDERIC W OLMSTEAD,
Chairman, Appeals Board.

[F. R. Doc. 53-7433; Filed, Aug. 25, 1953; 4:34 p. m.]

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 383—APPEALS

CROSS REFERENCE: For adoption and ratification by the Appeals Board of existing rules of procedure (§§ 382.13, 383.1) for the Department of Commerce, see F R. Doc. 53-7433, *supra.*

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6038]

CHANGE OF NOMENCLATURE

In rules and regulations heretofore prescribed by the Bureau of Internal Revenue and currently applicable in the

administration of the internal revenue laws, and in returns, notices, mimeographs, instructions, circulars, or other forms or publications of whatever nature heretofore prescribed, furnished, or used in or by the Bureau of Internal Revenue and currently in use,

(a) Reference to the Bureau of Internal Revenue shall be deemed to refer to the Internal Revenue Service,

(b) Reference to a District Commissioner or an Assistant District Commissioner shall be deemed to refer to a Regional Commissioner or an Assistant Regional Commissioner, respectively,

(c) Reference to a collector of internal revenue or a Director of Internal Revenue shall be deemed to refer to a District Director of Internal Revenue,

(d) Reference to a district supervisor or an Assistant District Commissioner, Alcohol and Tobacco Tax, shall be deemed to refer to an Assistant Regional Commissioner, Alcohol and Tobacco Tax,

(e) Reference to Investigator in Charge, or Head, Alcohol and Tobacco Tax Division in the Office of the Director, shall be deemed to refer to Supervisor in Charge, Alcohol and Tobacco Tax,

(f) Reference to a Deputy Commissioner for the Bureau of Internal Revenue, as the office existed prior to August 11, 1952, or to a Head of a Division in the Washington Headquarters Office, shall be deemed to refer to a Director at the National Office, and

(g) Reference to a collection district shall be deemed to refer to an internal revenue district.

Because the sole purpose of this Treasury decision is to conform the documents specified herein to various orders, including Treasury Department Order No. 150–26, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 375, 476; 26 U. S. C. 3176, 3791)

O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: August 21, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–7515; Filed, Aug. 26, 1953; 8:49 a. m.]

TITLE 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

CHANGE OF NOMENCLATURE

CROSS REFERENCE: For change of nomenclature in Internal Revenue Service, see F. R. Doc. 53–7515, Title 26, Chapter I, *supra.*

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

REG. 5—APPEALS

RP 1—RULES OF PRACTICE BEFORE HEARING COMMISSIONERS

CROSS REFERENCE: For adoption and ratification by the Appeals Board of existing rules of procedure for the Department of Commerce, see F R. Doc. 53–7433, *supra.*

[NPA Order M–11A, Amdt. 2 of August 25, 1953]

M–11A—COPPER AND COPPER-BASE ALLOYS

AMOUNT OF PRODUCTION CAPACITY TO BE RESERVED

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects NPA Order M–11A by decreasing the amount of production capacity which a producer of copper controlled materials must reserve for the acceptance of authorized controlled material orders. Paragraph (b) of section 9 of NPA Order M–11A is hereby amended to read as follows:

(b) The production capacity to be reserved by a copper controlled materials producer for the production of each copper controlled material product to be delivered pursuant to authorized controlled material orders for any such product for a particular month, shall be that capacity required to produce a quantity by weight of such product, computed by multiplying the average shipment of such product by the applicable percentage set opposite such product in the following list:

	Percentage for orders calling for delivery prior to Jan. 1, 1954	Percentage for orders calling for delivery after Dec. 31, 1953
Brass mill products:		
Unalloyed:		
Plate, sheet, strip, and rolls	20	15
Rod, bar, shapes, and wire	20	16
Seamless tube and pipe	15	11
Alloyed:		
Plate, sheet, strip, and rolls	30	23
Rod, bar, shapes, and wire	40	32
Seamless tube and pipe	65	55
Military ammunition cups and discs	(1)	(1)
Copper wire mill products:		
Copper wire and cable:		
Bare and tinned	25	20
Weatherproof	25	20
Magnet wire	25	20
Insulated building wire	25	20
Paper and lead power cable	25	20
Paper and lead telephone cable	25	20
Asbestos cable	25	20
Portable and flexible cord and cable	25	20
Communications wire and cable	25	20
Shipboard cable	25	20
Automotive and aircraft wire and cable	25	20
Insulated power cable	25	20
Signal and control cable	25	20
Coaxial cable	25	20
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	25	20
Copper foundry products and unalloyed copper powder mill products	20	27
Copper-base alloy powder mill products	(1)	(1)

[1] Reserve space will be provided by means of production directives.

(64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 25, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–7527; Filed, Aug. 25, 1953; 9:44 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Department of Commerce

PART 401—DISPOSAL OF FOREIGN EXCESS PROPERTY

CROSS REFERENCE: For adoption and ratification by the Appeals Board of existing rules of procedure (§ 401.9) for the Department of Commerce, see F. R. Doc. 53–7433, *supra.*

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 928]

[Docket No. AO-227-A3]

HANDLING OF MILK IN NEOSHO VALLEY MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Notice is hereby given that the hearing on proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area originally scheduled to begin at 10:00 a. m., c. s. t., August 25, 1953 (18 F. R. 4995) in the Collegiate Room, Hotel Besse, Pittsburg, Kansas, is hereby postponed to September 1, 1953, at the same time and place.

Done at Washington, D. C., this 21st day of August 1953.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator

[F. R. Doc. 53-7524; Filed, Aug. 26, 1953; 8:52 a. m.]

[7 CFR Part 946]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Louisville, Kentucky on February 11-13, 1953, pursuant to notice thereof which was issued on January 28, 1953 (18 F R. 603) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 27, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision, including notice of opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER on July 30, 1953 (18 F. R. 4465)

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Rulings contained in the recommended decision upon proposed findings and conclusions submitted by interested persons are confirmed except as modified by the findings and conclusions set forth herein. To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (18 F R. 4465, Doc. 53-6690) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modification described with reference to FEDERAL REGISTER Doc. 53-6690, 18 F R. 4465.

1. After the second paragraph beginning in column 3, page 4472, add the following:

Exception was taken to the allocation provision herein found necessary on the ground that it would create inequity as between handlers if any handler were permitted to sell milk as Class I, which he has acquired from other markets in which price advantages may be available. Such exception was based, also, on the assumption that the sequence of allocation of producer milk and milk from unpriced sources to Class I would be affected as a result of the amendment herein provided. Said amendment in no way affects the assignment of unpriced other source milk to Class I. Such unpriced milk will continue to be assigned first to all Class II utilization of the handler after the deduction of loss associated with producer milk. The only milk affected by this provision is milk classified and priced in accordance with the Class I pricing provisions of another order. The record indicates that such milk will not be available to handlers at a cost less than that of Class I producer milk, and that there will be no incentive to handlers to purchase such milk if producer milk is adequate to supply the Class I market.

Determination of representative period. The month of June 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of August, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence intro-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

duced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) The necessary expenses of the market administrator for maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts of (i) milk from producers, (ii) other source milk allocated to Class I, or (iii) milk distributed as Class I in the marketing area from a non-pool plant.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

The amendment provisions with respect to the proposed order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area issued by the Assistant Administrator and published in the FEDERAL REGISTER July 30, 1953 (18 F. R. 4465, Doc. 53-6690) shall be the provisions of this order as if set forth in full herein, subject to the following modification described with reference to Federal Register Doc. 53-6690, 18 F R. 4465:

1. After the paragraph beginning with the number "9" in column 3, page 4473, add the following:

10. Delete § 946.52 and substitute therefor the following:

§ 946.52 *Price adjustments to handlers*—(a) *Butterfat differential.* If the weighted average butterfat content of milk received from producers allocated to Class I milk or Class II milk, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of 1 percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(1) *Class I milk.* Multiply by 1.25 the Chicago butter price for the month and divide the result by 10.

(2) *Class II milk.* For the months of August through March, multiply by 1.2 the Chicago butter price for the month and divide the result by 10, and for the months of April through July, multiply by 1.15 the Chicago butter price for the month and divide by 10.

(b) *Nonfat solids adjustment.* If any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

[F. R. Doc. 53-7512; Filed, Aug. 26, 1953; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 242]

[Economic Regs. Draft Release No. 64]

FILING OF REPORTS BY AIR TAXI OPERATORS

PROPOSED ELIMINATION

AUGUST 21, 1953.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of Part 242 of the Economic Regulations by eliminating the requirements now contained in that part for the filing of reports by air taxi operators operating aircraft having more than five passenger seats.

In the eighteen months during which air taxi operators have been permitted to operate under the terms of Part 298 of the Economic Regulations no complaints have been received concerning the competitive effects of air taxi operators, including those operators utilizing aircraft of more than five passenger seats. While the reporting requirements are not severe, they are difficult of enforcement and have generally been inadequate to support any economic conclusions as to the air taxi operator industry as a whole. For this reason the Board is proposing to eliminate the requirement that any reports be filed by any air taxi operator.

Interested persons may participate in the proposed rule-making through submission of written data, views, or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All pertinent material in communications received on or before September 25, 1953, will be considered by the Board before taking final action on the proposed rule. Copies of comments received will be available for inspection on and after September 30, 1953, in the Docket Section of the Board.

The proposal herein contained may be altered or modified as a result of comment received.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply section 407, 52 Stat. 1000; 49 U. S. C. 457)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-7520; Filed, Aug. 26, 1953; 8:51 a. m.]

[14 CFR Part 298]

[Economic Regs. Draft Release No. 63]

AIR TAXI OPERATORS

ELIMINATION OF PROHIBITION AGAINST USING WORDS "AIRWAYS", "AIRLINES" OR "AIRLINE" IN NAME

AUGUST 21, 1953.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 298 of the Economic Regulations as hereinafter set forth.

Currently, § 298.2 (a) (3) of the Economic Regulations prohibits air taxi operators from using business names containing the words "airline" "airlines" or "airways" or indicating by name or otherwise that they are any "airline" "airlines" or "airways" This section was adopted by the Board in order to give the traveling public some means of distinguishing between the scheduled services offered by carriers holding certificates of public convenience and necessity, and those offered by air taxi operators conducted pursuant to blanket exemption from Title IV of the Civil Aeronautics Act. It was felt that the size of the aircraft used by the carriers would not in itself be a sufficient distinction, since certain of the local service operators and other certificated air carriers utilized small aircraft at the time the air taxi operator regulation was promulgated.

Experience since the adoption of Part 298 has not shown need for the provision contained in § 298.2 (a) (3) The Board has received no complaints which indicate that members of the traveling public are confusing the services offered by air taxi operators with those offered by certificated air carriers, and the section has created undue administrative and enforcement problems for both the Board and the Civil Aeronautics Administration. As a result of these considerations, it appears to the Board that the slight benefits which the regulation may offer to the public and the protection it grants to other air carriers are outweighed by the burdens placed on the Board and the Civil Aeronautics Administration and the restrictions and operating difficulties presented to air taxi operators.

It is accordingly proposed to strike § 298.2 (a) (3) from Part 298 of the Economic Regulations.

Interested persons may participate in the proposed rule-making through the submission of written data, views, or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All pertinent material in com-

munications received on or before September 25, 1953, will be considered by the Board before taking final action on the proposed rule. Copies of comments received will be available for inspection on and after September 30, 1953, in the Docket Section of the Board. The proposal herein contained may be altered or modified as a result of comment received.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 416, 52 Stat. 1004; 49 U. S. C. 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-7521; Filed, Aug. 26, 1953; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

BROKER OR DEALER EFFECTING TRANSACTIONS FOR PARTNER, OFFICER, DIRECTOR OR EMPLOYEE OF ANOTHER BROKER OR DEALER

The Securities and Exchange Commission today vacated its order of June 30, 1952, which deferred effectiveness of a proposed new rule of the National Association of Securities Dealers, Inc., with respect to transactions executed by a member firm (the "executing firm") for any person associated with another member firm (the "employer firm") and the Commission also abandoned a proposal to adopt its own rule on the same subject, as contained in Release No. 4723.

The NASD rule, designated section 28 of Article III of its Rules of Fair Practice, provides under certain limited conditions that, before knowingly executing a transaction for the account of any person associated with another member firm (whether a partner, officer, registered representative, or employee) the executing firm shall give notice to the employer firm of such proposed transaction. The said rule, which had been approved by the Association's Board of Governors and membership, was intended to provide a means by which members would be informed of the extent and nature of transactions effected by their employees or other associates, so that a member, in his own interest and in the interest of his customers, might weigh the effect, if any, of such transactions handled outside his own office.

The rule which had been proposed for adoption by the Commission (§ 240.10b-6) had a similar objective and would have made it unlawful for any broker-dealer firm, whether or not a member of the National Association of Securities Dealers, Inc., to effect any securities transaction for any person associated with another such firm, unless it gives advance notice of the proposed transaction to the employer firm and sends such other firm a copy of the confirmation.

After further study of the problems involved and the comments received upon its proposed rule, the Commission concluded that the Association's rule should be permitted to become effective and that Rule X-10B-6 should not be adopted. Thus, the Association and its members take primary responsibility for the supervision of trading by employees of member firms, and the Commission is relieved of administering and enforcing another rule, with its attendant burdens and costs. The Commission's jurisdiction over violations of the Securities Laws is not, of course, affected.

The text of the Commission's order follows:

The National Association of Securities Dealers, Inc., a registered securities association, having filed with the Commission on June 4, 1952, a proposed amendment, designated section 28, to Article III of its Rules of Fair Practice, providing for notice under limited conditions to a member (the "employer member") before another member (the "executing member"), knowingly executes transactions for the purchase or sale of a security for the account of a partner, officer, registered representative, or employee of the employer member; and

The Commission, on June 30, 1952, having invited public comment on a proposed Rule X-10B-6 (§ 240.10b-6) of its own relating to the same problem and having disapproved the proposed amendment of the Association pending further order by the Commission; and

The Commission, on the basis of a further study of the problem and of comments received on its proposed Rule X-10B-6, having determined not to adopt said Rule X-10B-6 and having further determined to permit the amendment of the Association's Rules of Fair Practice to become effective;

It is ordered, That the Commission's order of June 30, 1952, disapproving the proposed amendment, designated section 28, to Article III of the Association's Rules of Fair Practice is hereby vacated, and the said amendment is permitted to become effective.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

AUGUST 20, 1953.

[F. R. Doc. 53-7510; Filed, Aug. 26, 1953; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[495.22]

LEATHER COVERED TOBACCO PIPES AND PIPE BOWLS

TARIFF CLASSIFICATION

AUGUST 24, 1953.

The Bureau by its letter to the collector of customs at New Orleans, Louisiana, dated August 24, 1953, ruled that leather covered pipes and pipe bowls, in chief value of leather, are classifiable as pipes and pipe bowls, not specially provided for, of whatever material composed, under paragraph 1552, Tariff Act of 1930; rather than under the provision in the same paragraph for tobacco pipe bowls, wholly or in chief value of brier or other wood or root, and tobacco pipes having such bowls, notwithstanding such pipes or bowls, without the leather covers, were in chief value of brier or other wood or root.

As this ruling will result in the assessment of duty at a higher rate than has been heretofore assessed under an established and uniform practice, it will be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days from the date of publication of an abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] C. A. EMERICK, *Acting Commissioner of Customs.*

[F. R. Doc. 53-7513; Filed, Aug. 26, 1953; 8:49 a. m.]

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG, JAPAN, TAIWAN AND REPUBLIC OF KOREA

AVAILABLE CERTIFICATIONS BY SPECIFIED FOREIGN GOVERNMENTS

Notice is hereby given that certificates of origin issued by the governments hereinafter listed under procedures agreed upon between the specified certifying agencies of those governments and the Foreign Assets Control are available with respect to the importation into the United States, directly or on a through bill of lading, from the respective countries of the following commodities:

From Hong Kong (Certificates issued by the Hong Kong Department of Commerce and Industry)

Bean curd (Aug. 15, 1953).
Bean thread (Apr. 23, 1953).
Confectionery (Aug. 15, 1953).
Cotton dolls (June 18, 1953).
Cotton pincushions (June 18, 1953).
Cotton waste (Jan. 9, 1953).
Cotton wearing apparel (Jan. 12, 1953).
Hardwood furniture (Jan. 9, 1953).
Ivory manufactures (Jan. 9, 1953).
Needlework tapestries (June 18, 1953).
Oysters and oyster sauce (Aug. 15, 1953).
Plums, preserved (Jan. 9, 1953).
Rice sticks (Aug. 15, 1953).
Salt fish in oil (Jan. 9, 1953).
Shrimp sauce and paste (Aug. 15, 1953).
Silk manufacturers (Jan. 9, 1953).
Tea, Formosan (June 18, 1953).

Tungsten ore and concentrates (Jan. 9, 1953).
Water chestnuts (Jan. 9, 1953).

From Japan (Certificates issued by the Japanese Ministry of International Trade and Industry)

Abalone, canned or dried (Aug. 25, 1953).
Bamboo, split (Aug. 25, 1953).
Bamboo sprouts, canned (May 5, 1953).
Bamboo sprouts, dried shredded (Aug. 25, 1953).
Bamboo sprouts, raw (Aug. 25, 1953).
Braids, straw (Aug. 25, 1953).
Cuttlefish, dried (Aug. 25, 1953).
Floor coverings, grass and straw (Aug. 25, 1953).
Floor coverings, seagrass mats and squares (Aug. 25, 1953).
Fish, canned prepared (Aug. 25, 1953).
Ginko nuts, in the shells, canned or otherwise prepared (Aug. 25, 1953).
Ginger (July 30, 1953).
Hog bristles (Jan. 29, 1953).
Lotus root, canned (Aug. 25, 1953).
Menthol (Aug. 25, 1953).
Mushrooms, canned baked (Aug. 25, 1953).
Mushrooms, dried (Aug. 25, 1953).
Mushrooms, prepared (Aug. 25, 1953).
Oysters, dried (Aug. 25, 1953).
Quail, frozen (Aug. 25, 1953).
Sardines, dried (Aug. 25, 1953).
Scallions, pickled (Aug. 25, 1953).
Scallops, dried (Aug. 25, 1953).
Seaweed, dried (Aug. 25, 1953).
Shark fins (July 30, 1953).
Soy bean sauce (May 5, 1953).
Walnuts (July 30, 1953).

From Taiwan (Formosa) (Certificates issued by the Ministry of Economic Affairs of the Republic of China)

Bamboo shoots, canned (June 10, 1953).
Bamboo, split (June 10, 1953).
Duck eggs, salted or preserved (Apr. 15, 1953).
Ginger root, candied or otherwise preserved (June 10, 1953).
Hog bristles, black, not to exceed four inches in length (June 10, 1953).
Olives, preserved (June 10, 1953).
Plums, preserved (June 10, 1953).
Prunes, preserved (June 10, 1953).
Seagrass squares (Feb. 5, 1953).
Water chestnuts (Feb. 5, 1953).

From Republic of Korea (Certificates issued by the Ministry of Commerce and Industry of the Republic of Korea)

Hog bristles (Mar. 12, 1953).

The date in parentheses following each type of merchandise set forth above is the date on which certification first became available for the merchandise specified.

It is contemplated that from time to time additions will be made to the list of certifiable commodities. Notices with respect to such commodities will be published in the FEDERAL REGISTER.

[SEAL] ELTING ARNOLD,
Acting Director
Foreign Assets Control.

[F. R. Doc. 53-7514; Filed, Aug. 25, 1953; 1:50 p. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSOURI

DESIGNATION OF DISASTER AREAS HAVING NEED FOR AGRICULTURAL CREDIT

Pursuant to the authority contained in section 2 of the act of April 6, 1949 (63 Stat. 44; 12 U. S. C. 1148a-2) to designate areas where a production disaster has caused a need for agricultural credit, the following designations and amendments to designations previously made are as follows:

MISSOURI

The following counties were designated, on July 28, 1953, as disaster areas due to drought. After December 31, 1954, disaster loans will not be made except to borrowers who previously received such assistance.

Barry.	McDonald.
Camden.	Newton.
Carter.	Oregon.
Christian.	Ozark.
Dade.	Polk.
Dallas.	Pulaski.
Douglas.	Reynolds.
Greene.	Shannon.
Howell.	Stone.
Iron.	Taney.
Laclede.	Texas.
Lawrence.	Webster.
Maries.	Wright.

After December 31, 1954, disaster loans will not be made except to borrowers who previously received such assistance in the following counties which were designated as disaster areas September 7, 1951 (17 F. R. 2578)

Hickory. Phelps.

After December 31, 1954, disaster loans will not be made except to borrowers who previously received such assistance in the following counties which were designated as disaster areas July 17, 1951 (16 F. R. 8146)

Barton. Jasper. Miller. Ripley.

Done at Washington, D. C., this 18th day of August 1953.

[SEAL] JOHN H. DAVIS,
Acting Secretary of Agriculture.

[F. R. Doc. 53-7526; Filed, Aug. 26, 1953; 8:52 a. m.]

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE OKLAHOMA STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE REGARDING MARKETING QUOTA REGULATIONS FOR 1953 CROP

The Marketing Quota Regulations for the 1953 Crop of Peanuts (18 F. R. 3316), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393) provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)) which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Oklahoma State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. There are set out below the sections of the regulations in which such authority appears and the person of the Production and Marketing Administration to whom the authority has been redelegated.

OKLAHOMA

Sections 729.441 (j) (2) (ii), 729.453 (b), 729.453 (c), 729.468 (d) (3), and 729.482 (d)—State Administrative Officer.

Issued at Washington, D. C., this 21st day of August 1953.

[SEAL] M. B. BRASWELL,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 53-7522; Filed, Aug. 26, 1953; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

APPEALS BOARD

ESTABLISHMENT, COMPOSITION, FUNCTIONS, AND AUTHORITY

The material appearing at 14 F. R. 459 and 18 F. R. 3948 is hereby revoked and the following substituted therefor:

1. *Establishment and composition.* There is hereby estbalished in the Office of Assistant Secretary of Commerce for Administration an Appeals Board for the Department of Commerce to serve as an impartial body to hear and consider certain appeals from the public. The Board shall be composed of a chairman and two other members designated by the Assistant Secretary of Commerce for Administration and approved by the Secretary of Commerce.

2. *Functions and authority of the Appeals Board.* (a) The Appeals Board will consider appeals by persons affected by:

(1) Any order, regulation or administrative action issued under the authority delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended; the authority of the Secretary of Commerce under section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 512) the Rubber Act of 1948, as amended by Executive Order 9942 of April 1, 1948; and other administrative actions taken pursuant to law and referred to the Board by appropriate authority; and

(2) Any regulation or administrative action of the Office of International Trade in connection with its legislative authority for the administration of export controls or delegated authority related thereto.

(b) All appeals shall be considered and decisions rendered within a reasonable time after they are filed. The decision on each appeal shall be signed by the Chairman of the Appeals Board and communicated to the appellant.

(c) Decisions by the Appeals Board on appeals arising under paragraph (a) above shall be final.

(d) The Appeals Board may issue rules governing the presentation of appeals to the Board.

(e) The Appeals Board is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Board deems relevant or material to the matter involved.

3. *Transfer provisions.* (a) There are hereby transferred to the Appeals Board for the Department of Commerce the functions and responsibilities of:

(1) The Appeals Board for the Bureau of Foreign and Domestic Commerce established by 14 F R. 459;

(2) The Appeals Board of the National Production Authority described in section 14 of the material appearing at 17 F R. 4307; and

(3) The Chief Hearing Commissioner of the National Production Authority relating to appeals from orders issued in cases of non-compliance.

(b) The Assistant Secretary of Commerce for Administration, acting through appropriate offices of the Department, shall determine and arrange for the proper transfer of personnel, funds, records and equipment of the units referred to in paragraph 3 (a) above.

(c) The Appeals Board for the Department of Commerce shall assume jurisdiction over all appeals pending before the Appeals Board and the Chief Hearing Commissioner of the National Production Authority and the Appeals Board for the Bureau of Foreign and Domestic Commerce under the same authority and procedures relating to those appeals in effect immediately prior to the effective date of this notice.

4. *Effective date.* This notice is effective August 18, 1953.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 53-7432; Filed, Aug. 21, 1953; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6200]

WESTERN AIR LINES; SPEARFISH SUSPENSION CASE

NOTICE OF HEARING

In the matter of the application of Western Air Lines, Inc. for authority to (a) suspend service temporarily at Spearfish, S. Dak., or (b) to serve Spearfish through the Rapid City, S. Dak., airport.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 2 and 401 (k) of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 17, 1953, at 10:00 a. m., m. s. t., in the County Courthouse in Deadwood, S. Dak., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to the following matters:

1. Will the temporary suspension of service by Western Air Lines at Spearfish be in the public interest from the standpoint, inter alia, of assuring the highest degree of safety in air transportation in accordance with sections 2 (b) and (e) of said acts?

2. Can Spearfish, S. Dak., receive adequate air service by Western Air Lines through the Rapid City S. Dak., airport in accordance with sections 2 (a) and (c) of said act?

For further details of the application to be heard interested persons are referred to the docket of this proceeding on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in support or opposition to questions involved in this proceeding must file with the Board on or before September 17, 1953, a statement setting forth the matters of fact or law which he desires to controvert. Any person filing such a statement may appear at the hearing in accordance with § 302.14 of the Board's procedural regulations under Title IV of the Civil Aeronautics Act as amended.

Dated at Washington, D. C., this 24th day of August 1953.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F R. Doc. 53-7519; Filed, Aug. 26, 1953; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF MISSOURI ORDNANCE WORKS AND SYNTHETIC FUELS DEMONSTRATION PLANT

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as "the act") I hereby authorize the Secretary of Defense to determine whether the property known as Missouri Ordnance Works, Louisiana, Missouri, and the property known as the Synthetic Fuels Demonstration Plant and Housing Facilities, Louisiana, Missouri, are required for the needs and responsibilities of Federal agencies and, should the property be determined to be surplus to the needs of the Government, to dispose of such properties by sale or lease as the interest of the Government may require.

2. Prior to such determination and disposal of the properties, the Secretary of Defense shall take such steps as may be appropriate to determine whether any Federal agency has need therefor, and, if so, shall transfer the properties to such agency upon such terms as to reimbursement as may be prescribed in accordance with the provisions of section 202 (a) of the act, as amended.

3. The authority conferred herein shall be exercised in accordance with the act and regulations of this Administration issued pursuant thereto.

4. This delegation of authority supersedes and cancels Delegation of Authority No. 171 to the Secretary of Defense dated June 15, 1953.

5. The authority delegated herein may be redelegated to any office or employee of the Department of Defense.

6. This delegation of authority shall be effective as of the date hereof.

Dated: August 24, 1953.

EDMUND F MANSURE,
Administrator

[F. R. Doc. 53-7553; Filed, Aug. 26, 1953; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1847]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 21, 1953.

Notice is hereby given that on August 20, 1953, the Federal Power Commission issued its order adopted August 19, 1953, in the above-entitled matter, further amending order of July 25, 1952 (17 F R. 7064) issuing certificate of public convenience and necessity to provide natural gas service to Providence, Kentucky.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F R. Doc. 53-7501; Filed, Aug. 26, 1953; 8:45 a. m.]

[Docket No. G-1870]

COLORADO INTERSTATE GAS CO.

NOTICE OF EXTENSION OF TIME TO PLACE LATERAL LINES IN OPERATION

AUGUST 21, 1953.

Upon consideration of the motion of Colorado Interstate Gas Company (Applicant) filed July 17, 1953, for extension of time;

Notice is hereby given that an extension of time from August 4, 1953, to and including October 4, 1953, is granted for Applicant to place in operation the lateral lines to Castle Rock and Fountain, Colorado, authorized to be constructed by the Commission's order issued February 4, 1953, in the above designated matter. Paragraph (E) (1) of said order is amended accordingly.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7502; Filed, Aug. 26, 1953; 8:45 a. m.]

[Docket No. G-2145]

UNITED GAS IMPROVEMENT CO.

NOTICE OF FINDINGS AND ORDER

AUGUST 21, 1953.

Notice is hereby given that on August 20, 1953, the Federal Power Commission issued its findings and order adopted August 19, 1953, issuing a certificate of public convenience and necessity, and directing The Manufacturers Light and Heat Company to establish a connection with the facilities to be constructed

and operated in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7503; Filed, Aug. 26, 1953; 8:45 a. m.]

[Docket No. G-2195]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

AUGUST 21, 1953.

Notice is hereby given that on August 19, 1953, the Federal Power Commission issued its findings and order adopted August 19, 1953, authorizing and approving abandonment of facilities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7504; Filed, Aug. 26, 1953; 8:46 a. m.]

[Docket No. G-2196]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

AUGUST 21, 1953.

Notice is hereby given that on August 21, 1953, the Federal Power Commission issued its findings and order adopted August 19, 1953, issuing certificate of public convenience and necessity and permitting and approving abandonment of natural-gas facilities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7505; Filed, Aug. 26, 1953; 8:46 a. m.]

[Docket No. G-2222]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 21, 1953.

Take notice that Alabama-Tennessee Natural Gas Company (Applicant) a Delaware corporation having its principal place of business in Florence, Alabama, filed on August 5, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities as hereinafter described.

Applicant proposes to construct and operate approximately 13.2 miles of 12- and 8-inch pipeline together with a 350 BHP compressor station, all to be located between a point of connection with Applicant's existing 10-inch pipeline approximately 3.7 miles west of its Tuscumbia meter station and a point of connection with Applicant's 8-inch pipeline immediately west of its Leighton meter station, for the purpose of increasing Applicant's system capacity. All proposed facilities would be located in Colbert County, Alabama, and would be used to increase the capacity of Applicant's pipe line system to permit it to meet the estimated peak requirements during the winter of 1953-1954. Applicant estimates the cost of the facilities at $440,196, and proposes to accomplish the financing out of cash on hand and available from internal sources and the proceeds of a $350,000 bank loan.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of September 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7506; Filed, Aug. 26, 1953; 8:46 a. m.]

[Docket No. G-2225]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

AUGUST 21, 1953.

Take notice that Texas Gas Transmission Corporation (Applicant) a Delaware corporation having its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed, on August 7, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing increases in the firm daily maximum volumes of natural gas which Applicant may deliver to the City of Linton, Indiana, and the Terre Haute Gas Corporation, all as hereinafter described.

Applicant seeks, in effect, amendment of Paragraph B (1) of the order issued July 25, 1952, In the Matter of Texas Gas Transmission Corporation, et al., Docket Nos. G-1847, et al., Opinion No. 232, which, inter alia, required Applicant to make available on a firm basis a daily maximum volume of 9,560 Mcf to Terre Haute Gas Corporation and 2,030 Mcf to the City of Linton, Indiana, by requesting in the instant application authority to increase the said firm maximum daily volumes to 12,475 in the case of Terre Haute Gas Corporation and to 2,700 Mcf in the case of the City of Linton, Indiana. Applicant proposes to render the additional service through existing facilities and states that the additional volumes of gas are necessary to meet the peak-day requirements of the 1953-1954 winter season.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of September 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7507; Filed, Aug. 26, 1953; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-454]

WATERPROOF PAPER INDUSTRY

NOTICE OF HOLDING OF SECOND SESSION OF TRADE PRACTICE CONFERENCE

A second session of the industry trade practice conference for the Waterproof Paper Industry will be held in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on September 18, 1953, commencing at 10:00 a. m., e. d. s. t.

All persons, firms, corporations and organizations engaged in the business of manufacturing or marketing in commerce waterproof paper products which employ primarily an asphaltic compound as the bonding agent are cordially invited to attend and to participate in this meeting.

This second session is being held pursuant to request therefor by the applicant trade association. The suggested rules which were mailed to industry members on May 28, 1953, will be used as a basis for discussion at the said second session, but proposals for rules relating to other trade practices may also be submitted for consideration.

Issued: August 24, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53-7516; Filed, Aug. 26, 1953; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3253]

FLOUR MILLS OF AMERICA, INC.

ORDER SUMMARILY SUSPENDING TRADING

In the matter of trading on the Midwest Stock Exchange in the $5.00 par value Common Stock of Flour Mills of America, Inc., File No. 1-3253.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of August A. D. 1953.

The Commission by order adopted on August 11, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $5.00 par value common stock of Flour Mills of America, Inc. on the Midwest Stock Exchange until the opening of the trading session on August 14, 1953, and subsequently having entered an additional order further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with

the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-1502-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the Midwest Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, effective at the opening of the trading session on said Exchange on August 24, 1953, for a period of ten days.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-7509; Filed, Aug. 26, 1953; 8:47 a. m.]

[File Nos. 31-174, 59-15, 70-2980]

GENERAL ELECTRIC CO. ET AL.

ORDER PERMITTING ACQUISITION OF SECURITIES ALLOCABLE UNDER PLAN, TERMINATING EXEMPTION ISSUED UNDER SECTION 3 (A) (3) GRANTING EXEMPTION ORDER PURSUANT TO SECTION 3 (A) (5) AND RELEASING JURISDICTION OVER DISTRIBUTION OF SECURITIES

AUGUST 21, 1953.

In the matter of General Electric Company, File Nos. 70-2980, 31-174; Northern New England Company, New England Public Service Company File No. 59-15.

General Electric Company ("General Electric" having filed applications pursuant to applicable provisions of the Public Utility Holding Company Act of 1935 ("act") for permission to acquire certain securities of public utility companies to which it has become entitled by virtue of the reorganization of New England Public Service Company ("NEPSCO") for termination of its exemption under section 3 (a) (3) as a holding company from the provisions of the Act, applicable to holding companies as such, and for exemption under section 3 (a) (5) from such provisions of the act. The circumstances set forth in said applications are summarized below:

General Electric owns 307,005 shares (31.9 percent) of the common stock and 1,900 shares (3.9 percent) of Preferred Stock, $7 Dividend Series, and 5,200 shares (4.7 percent) of Preferred Stock, $6 Dividend Series, of NEPSCO, a registered holding company. NEPSCO in turn formerly owned 42.33 percent of the common stock of Central Maine Power Company ("Central Maine") 41.89 percent of the common stock of Public Service Company of New Hampshire ("New Hampshire") and 30.39 percent of the common stock of Central Vermont Public Service Corporation ("Central Vermont") all public utility companies. General Electric also owns indirectly more than 5 percent of the voting securities of certain public utility companies engaged in business solely in foreign countries, which securities were acquired from International General Electric Company, Inc., ("International General Electric") upon the merger of that company with General Electric on July 31, 1952. The Commission, by order dated October 21, 1936, granted International General Electric an exemption as a holding company, pursuant to section 3 (a) (5) of the act (1 S. E. C. 810)

General Electric presently has an exemption, pursuant to the provisions of section 3 (a) (3) of the act, under which it is not required to register as a public utility holding company under said act by reason of its ownership of NEPSCO securities. This exemption was granted on the representation that General Electric would not dispose of its holdings of common stock of NEPSCO without Commission approval, until the Commission had approved a plan of reorganization of that company. This order has been extended from time to time.

On February 13, 1953, the Commission entered an order approving an Amended Plan for NEPSCO which provided for the distribution of its remaining assets to its preferred and common stockholders and for its liquidation and dissolution, and in said order reserved jurisdiction with respect to the distribution of NEPSCO's portfolio stocks to General Electric, pursuant to the terms of the plan, pending disposition of this pending application. On March 25, 1953, the United States District Court for the District of Maine, Southern Division, entered an order enforcing the Amended Plan. The Amended Plan was consummated on April 14, 1953, and NEPSCO's portfolio stocks were turned over to the Liquidation Trustee for distribution.

Pursuant to the terms of the Amended Plan for the Liquidation and Dissolution of NEPSCO, General Electric, by reason of its ownership of the common and preferred stocks of NEPSCO, will be entitled to receive 97,030.95 shares (3.89 percent) of the common stock of Central Maine, 45,690.45 shares (3.88 percent) of the common stock of New Hampshire and 20,730.20 shares (2.72 percent) of the common stock of Central Vermont. The Amended Plan further provides that, to the extent, if any, that NEPSCO's debts and liabilities, including fees and expenses, are less than the assets remaining after the distribution of portfolio stocks, the balance together with any cash from the sale of the unclaimed stock will be distributed, at the end of five years from the consummation date of the Amended Plan, pro rata to and among the holders of common stock of NEPSCO, who have surrendered their certificates.

It is represented that applicant at the present time does not own directly or indirectly 5 percent or more of the voting securities of any public utility company or holding company except its indirect ownership of certain voting securities in foreign public utility companies which are set forth below.

As a result of the merger of International General Electric with applicant, General Electric acquired and now holds 478,814 shares (18.14 percent) of the outstanding securities of Allgemeine Elektricitats Gesellschaft ("AEG"), a German company with offices in Berlin and Frankfurt, Germany. AEG is primarily engaged in the manufacture and sale of electrical apparatus, appliances and supplies, but does own a large investment portfolio consisting principally of securities of electrical and allied manufacturing concerns. Such portfolio also contains the voting securities of four public utility companies as indicated below:

Name of company	No. of shares	Percent owned directly by AEG	Percent owned indirectly by General Electric
Amperwerke Elektrizitats, located in Munich, Germany	15,033	50.11	0.09
Koblenzer Elektrizitatswerke und Verkehrs A. G., located in Koblenz, Germany	11,700	97.50	17.69
Koblenz Elektrizitatswerke Westerwald A. G., located in Hohn-Urdorf, Germany	472	40.02	8.38
Neckarwerke Elektrizitatsversorgungs A. G., located in Esslingen, Germany	15,033	50.11	0.09

It is represented that neither applicant, AEG nor any of the said above public utility companies do any business as a public utility company in the United States and that they have no properties located in the United States used for the transmission, generation, or distribution of electric energy for sale or for the distribution at retail of natural or manufactured gas. General Electric states that, in the event the Commission grants its application to acquire its distributive portion of NEPSCO's portfolio stocks, it will undertake to sell or otherwise dispose of such securities in an orderly manner within a period of one year from the date of any such order of the Commission without prejudice, however, to the right of the applicant to apply for additional time to dispose of such securities. Applicant further states that it will notify the Commission, at the end of each three months period following any such order of the Commission, of the nature of the efforts being employed by it to dispose of such securities and of the amount of such securities sold or otherwise disposed of during such period.

General Electric requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of said applications and a hearing not having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, that General Electric, upon consummation of the exchanges here contemplated, will no longer be a holding company with respect to any domestic public utility or holding company and that it is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are a

company or companies the principal business of which within the United States is that of a public utility company and the Commission further finding that it is in the public interest and the interest of investors and consumers that the applications be granted forthwith:

It is ordered, That the applications of General Electric to acquire its distributive portion of portfolio stocks under the NEPSCO Amended Plan, for termination of its exemption under section 3 (a) (3) of the act, and for exemption as a holding company under section 3 (a) (5) from the provisions of the act applicable to holding companies as such be and the same hereby are granted forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved in the Commission's order of February 15, 1953, in File No. 59–15, approving the NEPSCO Amended Plan, with respect to the distribution of portfolio stocks to General Electric be and the same hereby is released.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53–7508; Filed, Aug. 26, 1953; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28385]

PETROLEUM PRODUCTS FROM SUPERIOR, WIS., TO POINTS IN MINNESOTA, NORTH DAKOTA, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

AUGUST 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company, Minneapolis, St. Paul & Sault Ste. Marie Railroad Company, and Northern Pacific Railway Company.

Commodities involved: Gasoline and other petroleum products, in tank-car loads.

From: Superior, Wis.

To: Points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53–7478; Filed, Aug. 25, 1953; 8:48 a. m.]

[4th Sec. Application 28386]

CLASS RATES BETWEEN SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

AUGUST 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariffs I. C. C. Nos. A–946 and A–547.

Involving: Docket 28300 class rates.

Territory: Between points in southern territory located on lines of certain carriers, on the one hand, and points in trunkline and New England territories, including adjacent points in central territory, on the other.

Grounds for relief: Circuitous routes, to maintain grouping, to permit operation of routes permitted under relief with respect to the former docket 13494 system of class rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53–7479; Filed, Aug. 25, 1953; 8:49 a. m.]

[4th Sec. Application 28387]

CLASS RATES BETWEEN CERTAIN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

AUGUST 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company, Savannah & Atlanta Railway Company, and Virginia and Carolina Southern Railroad Company.

Involving: Docket 28300 class rates.

Territory: (a) From Columbia, S. C., to Port Wentworth, Ga., and (b) between Lumberton and Capol, N. C., on the one hand, and Wadesboro, N. C., on the other.

Grounds for relief: Circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53–7480; Filed, Aug. 25, 1953; 8:49 a. m.]

[No. 31322]

KENTUCKY INTRASTATE COAL RATES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of August A. D. 1953.

It appearing, that a petition, dated July 9, 1953, has been filed on behalf of the Artemus-Jellico Railroad Company and other common carriers by railroad operating to, from, and between points in Kentucky, in interstate and intrastate commerce, averring that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179; 281 I. C. C. 557; and 284 I. C. C. 589, the Commission authorized certain increases in interstate freight rates, including rates on coal, maintained by petitioners and other common carriers by railroad which were later established; and that the Kentucky Railroad Commission by various orders has refused to authorize or permit said petitioners to apply to the intrastate transportation of coal between points in Kentucky increases in rates and charges corresponding to those approved for interstate application in the proceeding above cited, such refusal being in the manner and to the extent alleged in the said petition of July 9, 1953, herein referred to:

It further appearing, that said petitioners allege that the rates and charges which they are required to maintain for

the intrastate transportation of coal by railroad between points in Kentucky as a result of such refusal by the Kentucky Railroad Commission cause undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce on the other hand, and undue, unreasonable and unjust discrimination against interstate commerce;

And it further appearing, that the said petition brings in issue freight rates and charges made or imposed by authority of the State of Kentucky:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of said respondents, or any of them, for the intrastate transportation of coal by railroad between points in the State of Kentucky cause or may cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce; and to determine, what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within Kentucky subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Kentucky be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Kentucky Railroad Commission;

It is further ordered, That notice of this proceeding be given to the public by depositing copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.,

And it is further ordered, That this proceeding be assigned for hearing at a time and place hereafter to be designated.

By the Commission, Division 1.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7511; Filed, Aug. 26, 1953; 8:48 a. m.]